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## PRE-APPEAL BRIEF REQUEST FOR REVIEW

Docket Number (Optional)

1028-042-1

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on \_\_\_\_\_

Signature \_\_\_\_\_

Typed or printed name \_\_\_\_\_

Application Number

10/037,842

Filed

Jan. 2, 2002

First Named Inventor

Dan KIKINIS

Art Unit

2144

Examiner

Peling Andy SHAW

Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.

This request is being filed with a notice of appeal.

The review is requested for the reason(s) stated on the attached sheet(s).

Note: No more than five (5) pages may be provided.

I am the

☐ applicant/inventor.

☐ assignee of record of the entire interest.  
See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed.  
(Form PTO/SB/96)

☒ attorney or agent of record. 31293  
Registration number \_\_\_\_\_

☐ attorney or agent acting under 37 CFR 1.34.

Registration number if acting under 37 CFR 1.34 \_\_\_\_\_



Signature

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Telephone number

February 10, 2009

Date

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required.  
Submit multiple forms if more than one signature is required, see below\*.

☒ \*Total of 1 forms are submitted.

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of Dan KIKINIS  
Serial No.: 10/037,842  
Filed: Jan. 2, 2002  
Group Art Unit: 2144  
Examiner: Peling Andy SHAW  
Attorney Docket No.: 1028-042-1

Confirmation No.: 6723

**PRE-APPEAL BRIEF REQUEST FOR REVIEW OF  
OFFICE ACTION MAILED SEPTEMBER 10, 2008 AND  
ADVISORY ACTION MAILED NOVEMBER 7, 2008**

MAIL STOP AF  
Honorable Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

**REMARKS/ARGUMENTS**

**A. STATUS OF CLAIMS**

Claims 103-135 remain in the Application. Claims 1-102 were previously canceled. The claims of record are listed in an Amendment After Final Office Action filed on October 24, 2008 and entered by the examiner. No claims have been allowed. Claims 103-104, 106-107, 109-112, 114-115, 117-118, 120-123, 125-126, 128-129 and 131-134 have been rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent 6,324,648 issued to Grantges. Claims 105, 116 and 127 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Grantges in view of U.S. Patent Application Publication 2002/0118671 filed by Staples et al. (hereinafter, "Staples"). Claims 108, 113, 119, 124, 130 and 135 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Grantges in view of U.S. Patent 6,711,611 issued to Hanhan (hereinafter, "Hanhan").

On November 10, 2008, Applicant submitted a Supplemental Amendment After Final Rejection pursuant to 37 C.F.R. §1.116 to correct informalities in the claims so as to place the claims in condition for appeal. The Supplement Amendment does not appear to have been entered and no Advisory Action has been issued. No explanation for the lack of response to the Supplemental Amendment has been provided. The claims on appeal are, therefore, the claims entered by the Examiner on October 24, 2008.

## B. ERRORS FOR REVIEW

1. The arguments presented below refer to the office action response filed by Applicant on June 20, 2008 as "Response, at p. \_\_." The office action of September 10, 2008 from which this appeal is taken is referred to as the "Office Action." The advisory action of November 7, 2008 from which this appeal is taken is referred to as the "Advisory Action."

2. Error For Review: Claims 103-104, 106-107, 109-112, 114-115, 117-118, 120-123, 125-126, 128-129 and 131-134 Are Not Anticipated By Grantges.

As discussed with the examiner, the Grantges reference does not teach the limitations of the independent claims (as amended) of the present application. For ease of discussion, **FIG. 1** of Grantges is presented below:

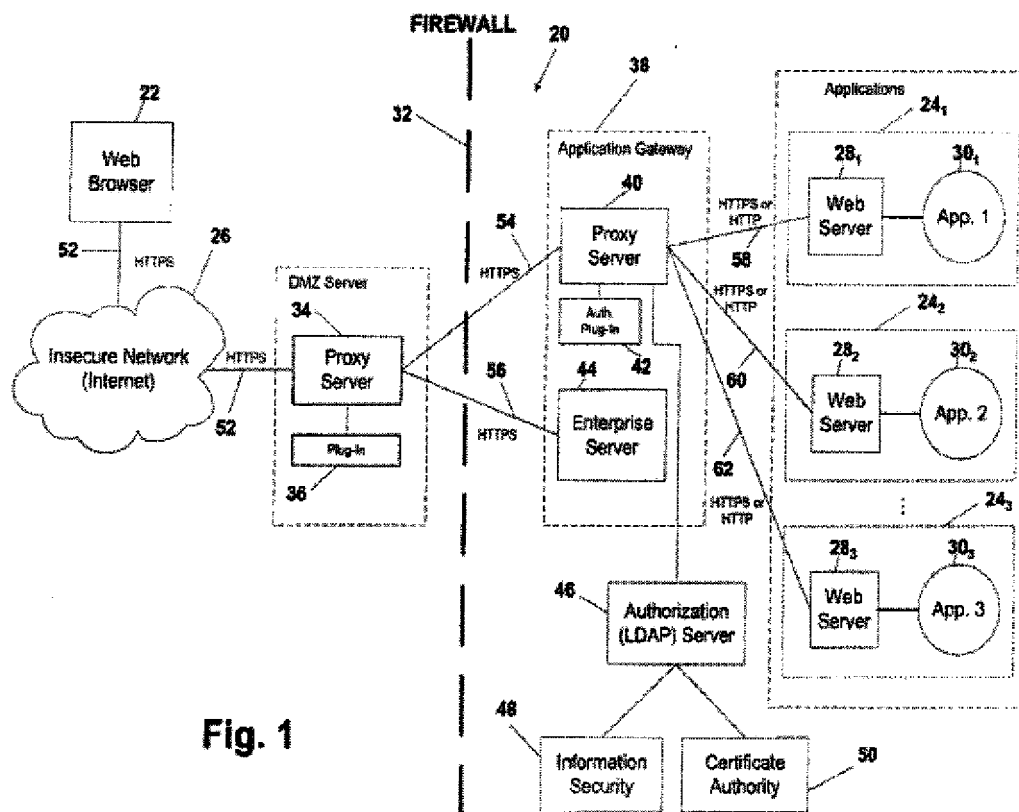


Fig. 1

In Grantges, the application 24 comprises a destination or web server 28 and a program 30. Browser 22 interacts with program 30 via web server 28. The gateway proxy server provides a map of a path from the web server (28) through a firewall 32 to the browser 22. (See, Grantges, **FIG. 1**; Col. 5, line 65 to Col. 6, line 2.) The browser 22 is permitted to communicate

with web server **28** by an exchange of certificates that is regulated by an authorization plug-in **42**.

It is important to note that if the firewall **22** and the permission structures were eliminated, browser **22** could communicate directly with web server **28**. In contrast, the limitations of the independent claims at issue here require that the workstation/remote proxy agent initiate communications with the remote gateway before a request is submitted by a user device/client. This step is necessitated because, from the perspective of the remote gateway, both the user device/client and the remote gateway agent are "clients" of the remote gateway and cannot communicate directly. Thus, the remote gateway agent acts as a server to both the client operating on the user device (located on the insecure side of the firewall) and the remote proxy agent operating on the processing system (located on the secure side of the firewall). Grantges does not teach or reasonably suggest these limitations and, in fact, teaches against it.

By utilizing the firewall in this way, the claimed inventions of the present application eliminate the complex firewall/authorization server structures while providing security to the data held on a workstation **116**. Additionally, the remote proxy agent allows communications to pass through the firewall without the need for a proxy server (illustrated as a component of application gateway **38** in **FIG. 1** of Grantges) as required by Grantges or for other components of application gateway **38**.

The general flow taught by Grantges and the flow taught by the present application are illustrated below:

The diagram illustrates a network architecture where a client communicates with a web server through a chain of proxies. On the left, a box labeled 'CLIENT' has an arrow pointing to a box labeled 'PROXY 1'. Below 'PROXY 1' is the text 'Insecure Side of Firewall'. An arrow points from 'PROXY 1' to a vertical dashed line representing a 'FIREWALL'. Below the firewall is the label 'FIREWALL' and a small icon of a wall with a crack. Another arrow points from the firewall to a box labeled 'PROXY 2'. Below 'PROXY 2' is the text 'Secure Side of Firewall'. Finally, an arrow points from 'PROXY 2' to a box labeled 'WEB SERVER'.

The diagram illustrates a Remote Gateway Agent architecture. It is divided into two main sections by a vertical dashed line representing the FIREWALL.

- Insecure Side of Firewall:** Contains a **USER DEVICE** box with a **CLIENT** box inside. An arrow points from the CLIENT to the **GATEWAY** box.
- Secure Side of Firewall:** Contains a **PROCESSING SYSTEM** box. Inside this box are a **REMOTE GATEWAY AGENT** box and an **APPLICATION** box. An arrow points from the APPLICATION to the REMOTE GATEWAY AGENT.

Communication flows are as follows:

- A horizontal arrow points from the **CLIENT** in the USER DEVICE to the **GATEWAY** box.
- A horizontal arrow points from the **REMOTE GATEWAY AGENT** in the PROCESSING SYSTEM to the **GATEWAY** box.
- A vertical dashed line with a hook at the top separates the Insecure Side from the Secure Side, labeled **FIREWALL**.
- Below the firewall, a large arrow points from **CLIENT** to **SERVER**, and another large arrow points from **SERVER** to **CLIENT**.

Applicant notes that Grantges describes an authentication process between a “web server” and an authorization server (see, claims 5 and 6 and description at Col. 7, lines 9-12). However, the web server referenced in these disclosures is web server **44** (labeled “Enterprise Server in **FIG. 1** of Grantges) and not web server **28**. Grantges does not disclose a registration message from a remote proxy agent (**117** in **FIG. 1** of the present application) residing on a processing system (**116** in **FIG. 1** of the present application).

c. Applicant has argued that Grantges does not teach or suggest the limitation of "receiving at the remote gateway agent a client registration request from the remote proxy agent, wherein the client registration request creates a client-to-server connection through the firewall between the remote proxy agent and the remote gateway agent". Examiner has reviewed item b of the Response of Arguments in office action mailed on 09/10/2008. Examiner has further reviewed previous claim 92 rejection as per office action mailed on 12/26/2007. A quoted reference of Grantges, i.e. column 6, lines 37-67, is used to covered the limitation of "connecting a proxy server to a second network, wherein the first and second network may each access the other". Examiner has noted "the application gateway connected with proxy server". Grantges has stated "Gateway 38 includes gateway proxy server 40 and gateway web server 44. Gateway proxy server

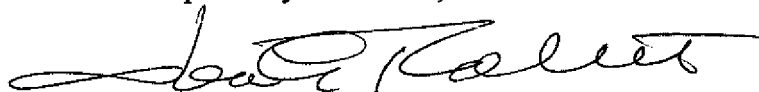
40 is configured to establish second secure connection 54 across firewall system 32 with DMZ proxy server 34". Thus Grantges has taught or suggested the argued limitation as quoted above. (Advisory Action, p. 3.)

The quoted language appears to be proffering an argument based on a limitation that is not present in the claims as examined. Claim 103 recites the limitation, "receiving at the remote gateway agent a client registration request from the remote proxy agent, wherein the client registration request creates a client-to-server connection through the firewall between the remote proxy agent and the remote gateway agent." The argument presented in the Office Action ignores the importance of the client registration request made from the secure side of the claimed firewall. That is, the request creates a client-server relationship between the remote proxy agent and the remote gateway agent. Claim 103 also recites a communication between a client residing on a user device and the remote gateway agent. The remote gateway agent thus permits communications between two clients. This architecture permits secure communications between a user device and an application server without the need for the application gateway and supporting systems described in Grantges.

### C. CONCLUSION

Applicant respectfully requests entry of the Supplemental Amendment and reconsideration of the current rejections. In view of the responses and remarks made above, Applicant further requests that that Supplement Amendment After Final Office Action filed on November 10, 2008 be entered by the examiner and that a timely Notice of Allowance issued for claims 103-135 as currently listed therein. The Director of the U.S. Patent and Trademark Office is hereby authorized to charge any fee deficiency, and conversely credit any overpayment to Deposit Account No. 18-1579.

Respectfully Submitted,



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